

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

WILLIAM SCOTT HOWARD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:24-cv-01221-JDB-jay
)	
FULL SERVICE PARTNERSHIP,)	
MENTAL HEALTH AGENCIES,)	
ORGANIZATION TENNESSEE/)	
UNNAMED DEFENDANTS 1-100.)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION,
DISMISSING CASE,
DENYING SUBSEQUENT MOTIONS AS MOOT, AND
CERTIFYING THAT APPEAL NOT TAKEN IN GOOD FAITH

Before the Court is the complaint filed by Plaintiff, William Scott Howard, proceeding pro se. By Administrative Order, this matter was referred to the United States magistrate judge for management of all pretrial matters and for determination and/or report and recommendation. Admin. Order 2013-05. Magistrate Judge Jon A. York conducted a screening review of the complaint under 28 U.S.C. § 1915(e)(2)(B) because Plaintiff is proceeding in forma pauperis. (Docket Entry (“D.E.”) 7 at PageID 13.) After reviewing the allegations, Judge York recommended dismissal. (*Id.* at PageID 14) At the end of the Report and Recommendation, the Magistrate Judge notified Howard that if he disagreed with the recommendation, he was required to file an objection within 14 days. (*Id.*) Judge York added that “failure to file [an objection]

within fourteen (14) days may constitute a waiver and/or forfeiture of objections, exceptions, and any further appeal.” (*Id.* (emphasis omitted)).

Plaintiff did not object to the Magistrate Judge’s report and recommendation before the time for doing so expired. Howard, thus, forfeited his objections to the report and recommendation. *See Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (quoting *Kensu v. Haigh*, 87 F.3d 172, 176 (6th Cir. 1996)). Upon review of the record, the report and recommendation is ADOPTED and the action is DISMISSED with prejudice. The Clerk is DIRECTED to enter judgment.

As a result, of the dismissal, Plaintiff’s motion to appoint counsel (D.E. 8), motion for damages (D.E. 9), and motion requesting case management conference (D.E. 10) are DENIED as moot.

Section 1915(a)(3) provides that an appeal may not be taken in forma pauperis if the trial court certifies in writing that an appeal would not be taken in good faith. The good faith standard is an objective one. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). An appeal is not taken in good faith if the issue presented is frivolous. *Id.* The same considerations that lead this Court to issue the instant ruling also compel it to conclude that an appeal by Plaintiff would not be taken in good faith. It is therefore CERTIFIED, pursuant to § 1915(A)(3), that any appeal of this order would not be taken in good faith and that Plaintiff may not proceed on appeal in forma pauperis.

IT IS SO ORDERED this 3rd day of January 2025.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE